

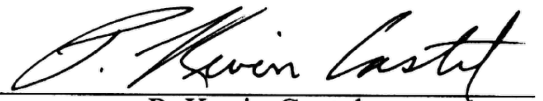
**LAW OFFICE OF KENNETH J. MONTGOMERY
P.L.L.C.
198 ROGERS AVENUE
BROOKLYN, NEW YORK 11225
PH (718) 403-9261 FAX (347) 402-7103
ken@kjmontgomerylaw.com**

OCTOBER 5, 2021

Sentencing is adjourned from October 12, 2021 to
February 8, 2022 at 2:00 p.m. in Courtroom 11D.
SO ORDERED.
Dated: 10/6/2021

BY ECF

The Honorable P. Kevin Castel (PKC)
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007


P. Kevin Castel
United States District Judge

Re: *United States v. Matthew Rivera*, 20 Cr. 292 (PKC)

Dear Judge Castel:

As the Court is aware, Mr. Rivera is scheduled to be sentenced by Your Honor on October 12th. His original sentencing date was adjourned for his pending medical issues, and the completion of a surgical procedure. Mr. Rivera's health was in too poor of a condition to perform the surgery without putting him at substantial health risk because of his underlying medical condition. His Physician has had some difficulty managing his underlying medical condition and preparing him for a successful surgery¹. The doctors are concerned about his diabetes and sugar level and would like to continue monitoring him with hopes that his surgery can be completed near the end of the year.

Because of Covid-19 and Mr. Rivera being vulnerable because of his health issues I am humbly asking the Court to adjourn sentencing until Mr. Rivera's surgery is completed. I can update the Court and the Government regularly concerning the scheduling of surgery and his monitoring for surgery by his health physician. I have spoken to the Government and the Government's position is "The Government has minimal information about the need for Mr. Rivera's surgery or the timetable on which it will happen. If Mr. Rivera believes he can reasonably complete his surgery within the next several months, the Government is willing to consent to an adjournment of sentencing until a date in early 2022. The Government will not, however, consent to further adjournments. I understand the Government's concern but the need for the surgery concerns his underlying health issues and overall health. Mr. Rivera would like to enter the BOP in the best health possible considering the effects of the pandemic. An early date

¹ I have included two letters from his physician.

in 2022 seems reasonable and in the meantime the defense can continue to update the Court to address the Court and the Government's concern regarding a reasonable timetable for sentencing.

Thank you for the Court's time and consideration in this matter.

Respectfully,
Kenneth J. Montgomery
s/
Kenneth J. Montgomery